

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 16, 2002

**Xtracash Atm, Inc., et al. v. Karsh et al.**

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D036878        In re Ivan R., a Juvenile**

The order lifting the deferred entry of judgment is vacated, and the judgment is reversed.

Nares, Acting P.J.; We Concur: Haller, J., McDonald, J.

**D039600        Eckles v. Wagner**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).

The appeal is dismissed.

**D037701        Hodges v. Elig et al.**

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

**D037414        Pearson et al. v. Barr/Transamerica Occidental Life Insurance Company**

The petition for rehearing is denied.

**D040661        In re the Marriage of Hytken**

Pursuant to California Rules of Court, rule 8, the appeal filed August 9, 2002, is dismissed.

**D040798        Zschiesche v. Superior Court of San Diego County/McPherson et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 17, 2002

**D038476        People v. Stephens**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Nares, J.

**D040794        In re Huffman on Habeas Corpus**

The petition is denied.

**D040611        In re Rawlins on Habeas Corpus**

The petition is denied.

**D040619        National Association of Quick Service Restaurants, Inc. v. Superior Court of San Diego County /Togo's Eateries, Inc., et al.**

The petition is denied.

**D039700        Callender v. Marie Callender Pie Shops, Inc.**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McConnell, J.

**D040678        In re Diego L. on Habeas Corpus**

The petition is denied.

**D038267        Burge v. County of San Diego**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Nares, J.

**D038037        People v. Clemente**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D038423        Nau v. Zimmer, Inc., et al.**

Reversed; costs to plaintiff. Huffman, Acting P.J.; We Concur: O'Rourke, J., McConnell, J.

**D040251        Solana Beach Right to Vote Committee v. Solana Beach City Counsel et al.**

Pursuant to California Rules of Court, rule 8, the appeal filed May 31, 2002, is dismissed.

**D040123        In re Adkins on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 18, 2002

**D038020        People v. Cabrerros**

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McConnell, J.

**D040630        In re Brown on Habeas Corpus**

The petition is denied.

**D040620        In re Singleton on Habeas Corpus**

The petition is denied.

**D039348        People v. Donahue**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 19, 2002

**D038340      Falcone et al. v. Stevens**

The order is affirmed. Stevens is awarded costs on appeal. McConnell, J.;  
We Concur: Huffman, Acting P.J., Haller, J.

**D040086      Muckle v. Superior Court of San Diego County/Burgess-Muckle**

Let a writ of mandate issue directing the Superior Court of San Diego to vacate its order of April 4, 2002, denying Andrew's motion to quash service of summons in the dissolution action and to enter a new and different order granting the motion and quashing the service of summons in such action. Costs are awarded to Andrew. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Benke, Acting P.J., McConnell, J.

**D040797      Escoffier v. Superior Court of San Diego County/McPherson et al.**

Let a writ issue directing superior court to vacate its order of September 12, 2002, and enter an order deleting the following from the ballot arguments: "But there are worse reasons for the financial crisis at the (District). Allegations of bribery, embezzlement, conflict of interest, felony misuse of public resources for political purposes and ignoring a San Diego County Grand Jury edict to obey state disclosure laws. How can we trust \$685 Million of our taxes to people under investigation for allegations of misconduct and crimes like these?" "Four of the five current trustees of the (District) -- Marty Block, Maria Senour, Brian Olson, William Schwandt -- union boss Jim Mahler -- and Chancellor Augie Gallego -- have each been implicated in at least one of these alleged improprieties. These are detailed in public documents -- most obtained via court order (GIC#760734, SDUT 4/7/01) when they again refused to obey the law. That alone cost taxpayers tens of thousands of our tax dollars. Worse, it's the fourth disclosure lawsuit they've lost recently. Well over \$100,000 of our money wasted!" "Don't trust these people!" "San Diego Registrar of Voters documents disclose that \$50,000 of district scholarship and student funds has been funneled to the PAC promoting S!" The stay issued on September 16, 2002, is vacated. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(d).) Each party to bear his or her own costs. Huffman, Acting P.J. We Concur: Haller, J, O'Rourke, J.

**D040797      Escoffier v. Superior Court of San Diego County/McPherson et al.**

Due to clerical error, paragraph 3 on page 11, is modified, nunc pro tunc, to read: "Let a writ issue directing superior court to vacate its order of September 12, 2002 and enter an order consistent with this opinion deleting the following additional language from the ballot arguments."

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
September 20, 2002

**D037527        Valenzuela v. State of California Department of Veterans Affairs et al.**

The judgment is affirmed and the order denying an award of attorney fees is affirmed. Costs on appeal to Valenzuela. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

**D038210        People v. Valverde**

Order modifying opinion and denying request for stay. No change in judgment.

**D038656        Fung et al. v. Timineri et al.**

The order denying Fung's petition to compel arbitration is affirmed. Nares, J.;  
We Concur: Benke, Acting P.J., Haller, J.

**D038413        Osborn et al. v. City of San Diego et al.**

The judgment is affirmed. The defendants are entitled to costs on appeal. McConnell, J.;  
We Concur: Huffman, Acting P.J., O'Rourke, J.

**D040670        In re Malloy on Habeas Corpus**

The petition is denied.

**D039959        Weingarten v. Superior Court of San Diego County/Pointe San Diego Residential  
Community et al.**

Let a writ issue directing the superior court to modify its order compelling production of Palomba Weingarten's tax returns to provide Robert Weingarten notice and an opportunity to be heard to assert his own privacy objections to the disclosure of the joint tax returns. To the extent possible, the court should redact any references in the tax return to any property established to be Mr. Weingarten's sole and separate property. In all other respects, the writ is denied. The parties to bear their own costs in this writ proceedings. CERTIFIED FOR PUBLICATION. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.